

RESOLUTION R-04-141

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AND THE MANATEE COUNTY CIVIC CENTER AUTHORITY, PROVIDING FOR LIMITED AND TEMPORARY DELEGATION OF AUTHORITY DURING THE SUMMER RECESS.

WHEREAS, the Manatee County Board of County Commissioners (hereinafter the "Board") and the Manatee County Civic Center Authority (hereinafter the "Authority") have determined that no regular meetings shall be scheduled between June 23, 2004 and July 26, 2004 (hereinafter the "Summer Recess"); and

WHEREAS, the Board and the Authority recognize that matters requiring approval and authorization by the Board or the Authority may arise during the Summer Recess and, to the extent possible, wish to maintain continuity in the routine business of the Authority and the County, and wish to maintain and avoid delay in the furnishing of programs and services as a result of the Summer Recess.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AND THE CIVIC CENTER AUTHORITY OF MANATEE COUNTY, AS FOLLOWS:

A. To accomplish those purposes set out in Paragraph C, the Board and the Authority delegate authority to the County Administrator, or in his absence the Chief Assistant County Administrator, to:

1. Approve, authorize and sign contracts, work assignments, purchase orders, change orders, and all documents and papers related thereto for matters governed by Ordinance 99-37 that are beyond the scope of the authority delegated pursuant to Resolution R-01-36, that comply with the policies established in Resolution R-01-36, other than the requirements for Board or Authority approval, after review and recommendation by the Purchasing Director.
2. Approve refunds at the request of a department director upon presentation of documentation of the amount due and owing.
3. Approve the release of any lien or claim on forms approved by the County Attorney, at the request of a department director upon presentation of documentation that the lien or claim has been satisfied.
4. Schedule and publish notice of public hearings upon a determination by the County Administrator or County Attorney that it appears to be in the best interest of the County to proceed without delay.

5. Approve any budget amendments required in support of the authorizations provided in Paragraphs A and B, and any prior authorizations of the Board or Authority, but not any budget amendment that must be approved by ordinance or resolution of the Board pursuant to Section 129.06, Florida Statutes.
6. Approve, authorize and sign documents and forms reasonably required to implement or continue any program, plan or activity previously authorized by the Board or the Authority.

B. To accomplish those purposes set out in Paragraph C, the Board and the Authority hereby delegate authority to the County Attorney, or in his absence the Chief Assistant County Attorney, to:

1. Initiate litigation, adversarial administrative proceedings, or appellate proceedings, including extraordinary writ proceedings, where, in the opinion of the County Attorney or Chief Assistant County Attorney, it is necessary to do so in order to preserve the status quo or the legal rights or protect the interests of the County or the Authority.
2. Retain special or outside counsel where, in the opinion of the County Attorney or Chief Assistant County Attorney, it is necessary to do so in order to preserve the status quo or the legal rights or protect the interests of the County or the Authority.
3. Retain expert witnesses or consultants where, in the opinion of the County Attorney or Chief Assistant County Attorney, it is necessary to do so in order to preserve the status quo or the legal rights or protect the interests of the County or the Authority.
4. Agree to continuances or extensions of time in on-going litigation, adversarial administrative proceedings, or appellate proceedings where, in the opinion of the County Attorney or Chief Assistant County Attorney, it is necessary to do so in order to preserve the status quo or the legal rights or protect the interests of the County or the Authority.

C. Purpose: Except as specifically limited below, the delegation of authority provided herein shall apply to any approval or authorization, and the execution of contracts and other documents as may be reasonable and necessary:

1. to avoid delays in furnishing services or implementing or continuing approved programs;

2. to avoid additional costs or expenses or the likelihood of additional costs or expenses, including but not limited to the use of personnel and resources of the County or the Authority as well as the cost of goods and services;
3. to provide for the prompt return of refunds and release of liens or claims by the County, and the fair and reasonable treatment of citizens and organizations doing business with Manatee County; and
4. to protect the legal and financial interests of, and preserve the legal rights of, Manatee County and the Manatee County Civic Center Authority.

D. To accomplish the purposes set out in Paragraph C, the Clerk of the Circuit Court, or his duly authorized deputy, as Clerk to the Board and the Authority and as custodian of funds and comptroller, is requested and authorized, upon approval by the County Administrator or the County Attorney, to:

1. Take any action reasonably and necessarily required pursuant to the authority delegated under Paragraphs A and B.
2. Proceed with all matters of a routine nature usually submitted to the Board or Authority on the Clerk's consent agenda, including but not limited to making of all payments lawfully due and owing by check, voucher, warrant, cash or wire transfer, or other appropriate means, the release of cash deposits, and payment of any revenue refunds in excess of \$500.00.
3. Release to the County Administrator or his designee surety bonds, letters of credit, certificates of deposit, and other security instruments for collection by the County prior to their expiration, if a determination of default has previously been made by the Board or the County Administrator makes such a determination in their absence.
4. The substitution of letters of credit to extend their duration.

E. Limitations: This Resolution shall not apply to:

1. Zoning or land use approvals.
2. Any legislative matter or other action that must be considered at an advertised public hearing.
3. Any new contracts retaining architects, engineers, landscape architects, surveyors, or other professional consultants. However, this limitation does

not include any work assignment, time extension or matters related to established contracts.

4. Any lease or contract providing for the sale, acquisition or exchange of any interest in real property, except that any acquisition of property for utility easement or right-of-way as a part of or in avoidance of or settlement of eminent domain proceedings for an amount not to exceed the highest appraised value assigned by a duly certified appraiser may be authorized and executed by the County Administrator or his designee at the request of the County Attorney or Chief Assistant County Attorney.
5. Any instrument associated with any financing plan.
6. Any new program or activity not previously authorized by the Board or Authority.
7. Contract for the initiation of any new construction of public facilities or new improvements.
8. Any matter involving the expenditure of funds in excess of funds that may lawfully be budgeted for such purpose.

F. Records: A record of all actions taken under this Resolution shall be maintained and made a part of the record of the Board or Authority after the Summer Recess.

G. Interpretations: This Resolution is not intended to apply to or limit any authority previously delegated by the Board. This Resolution is intended to be broadly interpreted to accomplish the purposes set out in Paragraph C.

H. Effective Period: This Resolution shall only apply to actions taken during the Summer Recess.

ADOPTED with a quorum present and voting this 15th day of June, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: [Signature]
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

By: [Signature]
Deputy Clerk



ADOPTED with a quorum present and voting this ____ day of _____, 2004.

MANATEE COUNTY
CIVIC CENTER AUTHORITY

By: _____
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

By: _____
Deputy Clerk

See June 15, 2004 Civic Center Authority
minutes for executed document by the
Civic Center Chairman.